

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ISAAC JONES,

Defendant.

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CASE NO. 5:15-cr-00108

OPINION & ORDER
[Resolving Docs. [48](#), [50](#)]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

Defendant Isaac Jones requests a sentence reduction under the compassionate release statute, 18 U.S.C. § 3582.¹ The Government opposes.²

For the following reasons, the Court **GRANTS** Jones's compassionate release motion.

I. Background

In May 2015, Jones pleaded guilty to possession with intent to distribute a controlled substance.³ In August 2015, this Court sentenced Jones to 86 months of imprisonment and six years of supervised release.⁴

II. Discussion

On October 26, 2020, Jones moved for compassionate release.⁵ On December 22, 2020, Jones filed a supplemental motion.⁶ Jones requests a sentence reduction due to chronic kidney disease that increases his risk for serious illness if he contracts COVID-19.

¹ Docs. [48](#), [50](#).

² Doc. [55](#).

³ Docs. [23](#), [24](#).

⁴ Doc. [39](#).

⁵ Doc. [48](#).

⁶ Doc. [50](#).

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The Government opposes.⁷ The Government argues that the § 3553 factors weigh against early release and that Jones remains a danger to the community.

A. Exhaustion

The Court may modify a defendant's sentence upon a motion from the defendant if the defendant filed the motion thirty or more days after the defendant sent a compassionate release request to their warden.⁸

On August 17, 2020, Jones asked the North Lake Correctional Facility warden for a sentence reduction.⁹ Because Jones filed a motion with the Court more than thirty days after he sent his request to the warden, Jones satisfies the statutory exhaustion requirement.

B. Eligibility

Generally, to grant compassionate release, a court must: (1) "find that extraordinary and compelling reasons warrant [a sentence] reduction,"¹⁰ (2) "ensure that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission," and (3) "consider[] all relevant sentencing factors listed in 18 U.S.C. § 3553(a)."¹¹

⁷ Doc. [55](#).

⁸ [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#); see also [United States v. Alam](#), 960 F.3d 831, 834–35 (6th Cir. 2020).

⁹ Doc. [48-1](#).

¹⁰ "[I]n the absence of an applicable policy statement for inmate-filed compassionate-release motions, district courts have discretion to define 'extraordinary and compelling' on their own initiative." [U.S. v. Elias](#), – F.3d –, No. 20-3654, 2021 WL 50169, *2 (6th Cir. Jan. 6, 2021).

¹¹ *Id.* (citing [U.S. v. Jones](#), 980 F.3d 1098, 1111 (6th Cir. 2020)) (citing [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#)) (internal quotation marks omitted).

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However, there are presently no applicable Sentencing Commission policy statements for inmate-filed compassionate release motions.¹² Therefore, in cases, as here, where an inmate files a motion on their own behalf, the court “may skip step two.”¹³

The Court finds that Jones’s chronic kidney disease, in combination with the COVID-19 pandemic, presents an extraordinary and compelling reasons warranting compassionate release. The Centers for Disease Control and Prevention recognizes chronic kidney disease as a condition that increases a person’s risk for serious illness from COVID-19.¹⁴

Likewise, the Court finds that the § 3553 support release. Jones has served more than 70 percent of his sentence, has a low recidivism risk level, and has had a clean prison disciplinary record for the last year.¹⁵ While the Court acknowledges that Jones has violent felony convictions, they are more than twenty years old.¹⁶

III. Conclusion

The Court **GRANTS** Jones’s compassionate release motion and reduces his sentence to time served. Jones’s six-year supervised release remains in force, and he is otherwise subject to the terms of the Court’s most recent judgment.¹⁷

¹² See Elias, 2021 WL 50169 at *2 (“[U.S.S.G.] § 1B1.13 is not an applicable policy statement for compassionate-release motions brought directly by inmates, and so district courts need not consider it when ruling on those motions.”); Jones, 980 F.3d at 1108 (stating that “[t]he Commission’s policy statement on compassionate release resides in U.S.S.G. § 1B1.13” but explaining that “§ 1B1.13 does not ‘appl[y]’ to cases where an imprisoned person files a motion for compassionate release.”).

¹³ Jones, 980 F.3d at 1111.

¹⁴ *People with Certain Medical Conditions*, Center for Disease Control and Prevention (Dec. 29, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>.

¹⁵ Doc. 48-1 at 3-4; Doc. 50 at 7; Doc. 55-2.

¹⁶ Doc. 30 at 7-8.

¹⁷ See Doc. 39.

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The Court orders the Bureau of Prisons to take measures, including a 14-day pre-transfer quarantine, to ensure that Jones is COVID-19-free prior to his release.

IT IS SO ORDERED.

Dated: January 22, 2021

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE